

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA

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v.

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CR 420-064-02

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MALIC STEPHENS

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O R D E R

Defendant Malic Stephens has filed a motion to reduce sentence based upon Amendment 821 to the United States Sentencing Guidelines. The Court previously denied this same motion by Order of January 21, 2025. The Court, however, will provide further explanation.

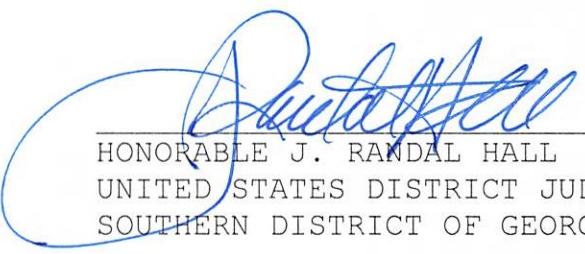
At sentencing, it was determined that Stephens had a total offense level of 26. Under U.S.S.G. § 4A1.1, his criminal history score of 12 was increased by two "status points" because he had committed this federal offense while under a criminal justice sentence. A criminal history score of 14 produces a criminal history category of VI. With an offense level of 26 and a criminal history category of VI, Stephens's guideline range was 120 to 150 months. He was sentenced to serve 150 months imprisonment.

Amendment 821 to the Sentencing Guidelines provides a retroactive adjustment for certain offenders whose criminal

history was impacted by "status points" under U.S.S.G. § 4A1.1. Under the amended U.S.S.G. § 4A1.1(e), Stephens would receive only one status point. Thus, his criminal history score would fall from 14 to 13 upon retroactive application of Amendment 821. Even so, a criminal history score of 13 or more produces a criminal history category of VI. Accordingly, the reduction in his total criminal history score does not change his criminal history category. Thus, his guideline range would not be affected by Amendment 821.

Upon the foregoing, Defendant Stephens's motion to reduce sentence upon application of Amendment 821 (doc. 215) is **DENIED**.

ORDER ENTERED at Augusta, Georgia this 28th day of October, 2025.


HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA